

ASSEMBLY BILL

No. 2330

Introduced by Assembly Member Olsen

February 24, 2012

An act to amend Section 318 of the Corporations Code, to repeal Chapter 3.1 (commencing with Section 8240) of Division 1 of Title 2 of the Government Code, and to amend Sections 13519, 13836.1, and 14143 of, and to repeal Section 13777.2 of, the Penal Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2330, as introduced, Olsen. State government: Commission on the Status of Women.

Existing law creates within state government the Commission on the Status of Women, consisting of 17 members. Existing law sets forth the powers and duties of the commission. Public members receive per diem while on official business, and each member of the commission is entitled to receive his or her actual necessary traveling expenses. Existing law authorizes the commission to hire staff, for purpose of completing a specified study, subject to appropriation in the annual Budget Act. Existing law requires the commission to appoint the public members of an advisory committee that establishes a course of training for district attorneys in the investigation and prosecution of sex crimes.

This bill would repeal the Commission on the Status of Women, and would make conforming changes to related provisions. The bill would provide that new public member vacancies on the advisory committee described above be filled through appointments by the Senate Rules Committee.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature in enacting this
2 act to eliminate the Commission on the Status of Women.

3 SEC. 2. Section 318 of the Corporations Code is amended to
4 read:

5 318. (a) The Secretary of State shall develop and maintain a
6 registry of distinguished women and minorities who are available
7 to serve on corporate boards of directors. As used in this section,
8 “minority” means an ethnic person of color including American
9 Indians, Asians (including, but not limited to, Chinese, Japanese,
10 Koreans, Pacific Islanders, Samoans, and Southeast Asians),
11 Blacks, Filipinos, and Hispanics.

12 (b) For each woman or minority who participates in the registry,
13 the Secretary of State shall maintain information on his or her
14 educational, professional, community service, and corporate
15 governance background. That information may include, but is not
16 limited to:

17 (1) Paid or volunteer employment.

18 (2) Service in elected public office or on public boards or
19 commissions.

20 (3) Directorships, officerships, and trusteeships of business and
21 nonprofit entities, including committee experience.

22 (4) Professional, academic, or community awards or honors.

23 (5) Publications.

24 (6) Government relations experience.

25 (7) Experience with corporate constituents.

26 (8) Any other areas of special expertise.

27 (c) In addition to the information subdivision (b) requires, each
28 woman or minority who participates in the registry may disclose
29 any number of personal attributes that may contribute to board
30 diversity. Those attributes may include, but are not limited to,
31 gender, physical disability, race, or ethnic origin.

32 (d) In addition to the information subdivision (b) requires, each
33 woman or minority who participates in the registry may indicate
34 characteristics of corporations for which he or she would consider,
35 or is especially interested in, serving as a director. These

1 characteristics may include, but are not limited to, company size,
2 industry, geographic location, board meeting frequency, director
3 time commitments, director compensation, director insurance or
4 indemnification, or social policy concerns.

5 (e) Any woman or minority may nominate himself or herself
6 to the registry by filing with the Secretary of State the information
7 required by subdivision (b) on a form the secretary prescribes. Any
8 registrant may attach a copy of his or her resume and up to two
9 letters of recommendation to his or her registration form. Each
10 registrant's registration form, together with any attached resume
11 or letters of recommendation, shall constitute his or her registry
12 transcript.

13 (f) The Secretary of State shall make appropriate rules requiring
14 registrants to renew or update their filings with the registry, as
15 necessary to ensure continued accuracy of registry information.

16 (g) The Secretary of State shall assign each registrant a file
17 number, then enter the information described in subdivisions (b),
18 (c), and (d) into a data base, using the registrant's file number to
19 identify him or her. The registry data base shall not disclose any
20 registrant's name or street address, but may list the city, county,
21 or ZIP Code of his or her business or residence address. The
22 secretary shall make data base information available to those
23 persons described in subdivisions (i) and (j). The secretary may
24 provide that access either by permitting direct data base searches
25 or by performing data base searches on written request.

26 (h) The Secretary of State may also make information contained
27 in the registry data base available to any person or entity qualified
28 to transact business in California that regularly engages in the
29 business of providing data base access or search services; provided,
30 that data base access will not be construed to entitle the user to
31 access to any registrant's transcript.

32 (i) The Secretary of State shall make information contained in
33 a reasonable number of registrants' transcripts available to any
34 corporation or its representative. A—~~“representative”~~,
35 *“representative,”* for purposes of this subdivision, may be an
36 attorney, an accountant, or a retained executive recruiter. A
37 ~~“retained executive-recruiter”~~, *recruiter*, for purposes of this
38 subdivision, is an individual or business entity engaged in the
39 executive search business that is regularly retained to locate

1 qualified candidates for appointment or election as corporate
2 directors or executive officers.

3 (j) The Secretary of State may also grant access to a reasonable
4 number of registrants' transcripts to any other person who
5 demonstrates to the secretary's satisfaction that the person does
6 both of the following:

7 (1) Seeks access to the registry in connection with an actual
8 search for a corporate director.

9 (2) Intends to use any information obtained from the registry
10 only for the purpose of finding qualified candidates for an open
11 position on a corporate board of directors.

12 (k) The Secretary of State may employ reasonable means to
13 verify that any party seeking access to registry transcript
14 information is one of those specified in subdivision (i) or (j). To
15 that end, the secretary may require a representative to identify its
16 principal, but may not disclose that principal's identity to any other
17 person.

18 (l) Upon written request specifying the registrant's file number,
19 the Secretary of State shall provide any party entitled to access to
20 registry transcripts with a copy of any registrant's transcript. The
21 secretary may by rule or regulation specify other reasonable means
22 by which persons entitled thereto may order copies of registrants'
23 transcripts.

24 (m) Notwithstanding any other provision of law, no person shall
25 be entitled to access to information the registry contains, except
26 as this section specifically provides.

27 (n) The Secretary of State shall charge fees for registering with
28 the registry, obtaining access to the registry data base, and
29 obtaining copies of registrants' transcripts. The Secretary of State,
30 in consultation with the Senate Commission on Corporate
31 Governance, Shareholder Rights, and Securities Transactions, shall
32 fix those fees by regulation. Fees shall be fixed so that the
33 aggregate amount of all fees collected shall be sufficient to cover
34 the total cost of administering the registry program. Registration
35 fees shall be fixed so as to encourage qualified women and
36 minorities to participate. Fees shall be deposited into the Secretary
37 of State's Business Fee Fund.

38 (o) The Secretary of State may make any rule, regulation,
39 guideline, or agreement the secretary deems necessary to carry out
40 the purposes and provisions of this section.

(p) The Secretary of State may cooperate with the ~~California Commission on the Status of Women~~, the California Council to Promote Business Ownership by Women, the Senate Commission on Corporate Governance, Shareholder Rights, and Securities Transactions, women's organizations, minority organizations, business and professional organizations, and any other individual or entity the secretary deems appropriate, for any of the following purposes:

(1) Promoting corporate use of the registry.

(2) Locating qualified women and minorities and encouraging them to participate in the registry.

(3) Educating interested parties on the purpose and most effective use of the registry.

The secretary may also prepare and distribute publications designed to promote informed use of the registry.

(q) The Secretary of State may seek registrants' consent to be listed in a published directory of women and minorities eligible to serve as corporate directors, which will contain a summary of each listed registrant's qualifications. The secretary may periodically publish, or cause to be published, such a directory. Only those registrants who so consent in writing may be included in the directory. The printed directory shall be provided to any person upon payment of a fee, which the Secretary of State will determine by regulation, in consultation with the Senate Commission on Corporate Governance, Shareholder Rights, and Securities Transactions.

(r) The Secretary of State shall implement this section no later than January 1, 1995.

(s) At least once in each three-year period during which the registry is available for corporate use, the Secretary of State, in consultation with the Senate Commission on Corporate Governance, Shareholder Rights, and Securities Transactions, shall report to the Legislature on the extent to which the registry has helped women and minorities progress toward achieving parity in corporate board appointments or elections.

(t) The Secretary of State shall notify each University of California campus and each California State University campus of the opportunity to maintain the registry created pursuant to this section. If more than one campus of the university or state university expresses interest in maintaining the registry, the

1 Secretary of State shall select a campus based on a competitive
2 selection process. If a campus is selected, the Secretary of State
3 shall transfer the information contained in the registry, free of cost,
4 to that campus. Any University of California or California State
5 University campus selected to maintain the registry shall do so in
6 a manner consistent with this section. Funds deposited in the
7 Secretary of State's Business Fees Fund pursuant to this section
8 shall be transferred to the university selected to maintain the
9 registry, and shall be used to administer the registry program. The
10 Secretary of State shall maintain the registry until a University of
11 California or California State University campus agrees to do so.

12 SEC. 3. Chapter 3.1 (commencing with Section 8240) of
13 Division 1 of Title 2 of the Government Code is repealed.

14 SEC. 4. Section 13519 of the Penal Code is amended to read:

15 13519. (a) The commission shall implement by January 1,
16 1986, a course or courses of instruction for the training of law
17 enforcement officers in California in the handling of domestic
18 violence complaints and also shall develop guidelines for law
19 enforcement response to domestic violence. The course or courses
20 of instruction and the guidelines shall stress enforcement of
21 criminal laws in domestic violence situations, availability of civil
22 remedies and community resources, and protection of the victim.
23 Where appropriate, the training presenters shall include domestic
24 violence experts with expertise in the delivery of direct services
25 to victims of domestic violence, including utilizing the staff of
26 shelters for battered women in the presentation of training.

27 (b) As used in this section, "law enforcement officer" means
28 any officer or employee of a local police department or sheriff's
29 office, any peace officer of the Department of Parks and
30 Recreation, as defined in subdivision (f) of Section 830.2, any
31 peace officer of the University of California Police Department,
32 as defined in subdivision (b) of Section 830.2, any peace officer
33 of the California State University Police Departments, as defined
34 in subdivision (c) of Section 830.2, a peace officer, as defined in
35 subdivision (d) of Section 830.31, or a peace officer as defined in
36 subdivisions (a) and (b) of Section 830.32.

37 (c) The course of basic training for law enforcement officers
38 shall, no later than January 1, 1986, include adequate instruction
39 in the procedures and techniques described below:

1 (1) The provisions set forth in Title 5 (commencing with Section
2 13700) relating to response, enforcement of court orders, and data
3 collection.

4 (2) The legal duties imposed on peace officers to make arrests
5 and offer protection and assistance including guidelines for making
6 felony and misdemeanor arrests.

7 (3) Techniques for handling incidents of domestic violence that
8 minimize the likelihood of injury to the officer and that promote
9 the safety of the victim.

10 (4) The nature and extent of domestic violence.

11 (5) The signs of domestic violence.

12 (6) The legal rights of, and remedies available to, victims of
13 domestic violence.

14 (7) The use of an arrest by a private person in a domestic
15 violence situation.

16 (8) Documentation, report writing, and evidence collection.

17 (9) Domestic violence diversion as provided in Chapter 2.6
18 (commencing with Section 1000.6) of Title 6 of Part 2.

19 (10) Tenancy issues and domestic violence.

20 (11) The impact on children of law enforcement intervention
21 in domestic violence.

22 (12) The services and facilities available to victims and batterers.

23 (13) The use and applications of this code in domestic violence
24 situations.

25 (14) Verification and enforcement of temporary restraining
26 orders when (A) the suspect is present and (B) the suspect has fled.

27 (15) Verification and enforcement of stay-away orders.

28 (16) Cite and release policies.

29 (17) Emergency assistance to victims and how to assist victims
30 in pursuing criminal justice options.

31 (d) The guidelines developed by the commission shall also
32 incorporate the foregoing factors.

33 (e) (1) All law enforcement officers who have received their
34 basic training before January 1, 1986, shall participate in
35 supplementary training on domestic violence subjects, as prescribed
36 and certified by the commission.

37 (2) Except as provided in paragraph (3), the training specified
38 in paragraph (1) shall be completed no later than January 1, 1989.

1 (3) (A) The training for peace officers of the Department of
2 Parks and Recreation, as defined in subdivision (g) of Section
3 830.2, shall be completed no later than January 1, 1992.

4 (B) The training for peace officers of the University of California
5 Police Department and the California State University Police
6 Departments, as defined in Section 830.2, shall be completed no
7 later than January 1, 1993.

8 (C) The training for peace officers employed by a housing
9 authority, as defined in subdivision (d) of Section 830.31, shall be
10 completed no later than January 1, 1995.

11 (4) Local law enforcement agencies are encouraged to include,
12 as a part of their advanced officer training program, periodic
13 updates and training on domestic violence. The commission shall
14 assist where possible.

15 (f) (1) The course of instruction, the learning and performance
16 objectives, the standards for the training, and the guidelines shall
17 be developed by the commission in consultation with appropriate
18 groups and individuals having an interest and expertise in the field
19 of domestic violence. The groups and individuals shall include,
20 but shall not be limited to, the following: one representative each
21 from the California Peace Officers' Association, the Peace Officers'
22 Research Association of California, the State Bar of California,
23 ~~and the California Women Lawyers' Association, and the State~~
24 ~~Commission on the Status of Women; Association; two~~
25 representatives from the commission; two representatives from
26 the California Partnership to End Domestic Violence; two peace
27 officers, recommended by the commission, who are experienced
28 in the provision of domestic violence training; and two domestic
29 violence experts, recommended by the California Partnership to
30 End Domestic Violence, who are experienced in the provision of
31 direct services to victims of domestic violence and at least one
32 representative of service providers serving the lesbian, gay,
33 bisexual, and transgender community in connection with domestic
34 violence. At least one of the persons selected shall be a former
35 victim of domestic violence.

36 (2) The commission, in consultation with these groups and
37 individuals, shall review existing training programs to determine
38 in what ways domestic violence training might be included as a
39 part of ongoing programs.

(g) Each law enforcement officer below the rank of supervisor who is assigned to patrol duties and would normally respond to domestic violence calls or incidents of domestic violence shall complete, every two years, an updated course of instruction on domestic violence that is developed according to the standards and guidelines developed pursuant to subdivision (d). The instruction required pursuant to this subdivision shall be funded from existing resources available for the training required pursuant to this section. It is the intent of the Legislature not to increase the annual training costs of local government entities.

SEC. 5. Section 13777.2 of the Penal Code is repealed.

~~13777.2.—(a) The Commission on the Status of Women shall convene an advisory committee consisting of one person appointed by the Attorney General and one person appointed by each of the organizations named in subdivision (b) of Section 13776 that chooses to appoint a member, and any other subject matter experts the commission may appoint. The advisory committee shall elect its chair and any other officers of its choice.~~

~~(b) The advisory committee shall make two reports, the first by December 31, 2007, and the second by December 31, 2011, to the Committees on Health, Judiciary, and Public Safety of the Senate and Assembly, to the Attorney General, the Commission on Peace Officer Standards and Training, and the Commission on the Status of Women. The reports shall evaluate the implementation of Chapter 899, Statutes of 2001 and any subsequent amendments made to Title 5.7 of Chapter 4 of Part 3 and the effectiveness of the plan developed by the Attorney General pursuant to subparagraph (A) of paragraph (4) of Section 13777. The reports shall also include recommendations concerning whether the Legislature should extend or repeal the sunset dates in Section 13779, recommendations regarding any other legislation, and recommendations for any other actions by the Attorney General, Commission on Peace Officer Standards and Training, or the Commission on the Status of Women.~~

~~(c) The Commission on the Status of Women shall transmit the reports of the advisory committee to the appropriate committees of the Legislature, including, but not limited to, the Committees on Health, Judiciary, and Public Safety in the Senate and Assembly, and make the reports available to the public, including by posting them on the Commission on the Status of Women's Web site. To~~

1 ~~avoid production and distribution costs, the Commission on the~~
2 ~~Status of Women may submit the reports electronically or as part~~
3 ~~of any other report that the Commission on the Status of Women~~
4 ~~submits to the Legislature.~~

5 ~~(d) The Commission on Peace Officer Standards and Training~~
6 ~~shall make the telecourse that it produced in 2002 pursuant to~~
7 ~~subdivision (a) of Section 13778 available to the advisory~~
8 ~~committee. However, before providing the telecourse to the~~
9 ~~advisory committee or otherwise making it public, the commission~~
10 ~~shall remove the name and face of any person who appears in the~~
11 ~~telecourse as originally produced who informs the commission in~~
12 ~~writing that he or she has a reasonable apprehension that making~~
13 ~~the telecourse public without the removal will endanger his or her~~
14 ~~life or physical safety.~~

15 ~~(e) Nothing in this section requires any state agency to pay for~~
16 ~~compensation, travel, or other expenses of any advisory committee~~
17 ~~member.~~

18 SEC. 6. Section 13836.1 of the Penal Code is amended to read:

19 13836.1. The committee shall consist of 11 members. Five
20 shall be appointed by the secretary, and shall include three district
21 attorneys or assistant or deputy district attorneys, one representative
22 of a city police department or a sheriff or a representative of a
23 sheriff's department, and one public defender or assistant or deputy
24 public defender of a county. Six shall be public members appointed
25 by the Commission on the Status of Women, ~~and. On or after~~
26 *January 1, 2013, any public member vacancies shall be filled*
27 *through appointments by the Senate Rules Committee. The public*
28 *members shall include one representative of a rape crisis center,*
29 *and one medical professional experienced in dealing with sexual*
30 *assault trauma victims. The committee members shall represent*
31 *the points of view of diverse ethnic and language groups.*

32 Members of the committee shall receive no compensation for
33 their services but shall be reimbursed for their expenses actually
34 and necessarily incurred by them in the performance of their duties.
35 Staff support for the committee shall be provided by the agency.

36 SEC. 7. Section 14143 of the Penal Code is amended to read:

37 14143. Every effort shall be made to ensure that the ethnic and
38 racial composition of each task force is reflective of the ethnic and
39 racial distribution of the persons and families in the community.

1 Each county task force shall include, to the extent possible, but
2 not be limited to, the following:

3 (a) A criminal court judge.

4 (b) A domestic relations or civil court judge.

5 (c) A prosecuting attorney.

6 (d) A city council person or other elected local governmental
7 official.

8 (e) Representatives from the Council of Cities, the Police Chief
9 Association, the County Office of Education, the Public Defender
10 Program, the County Bar Association, the Domestic Violence
11 Coalition, health services, social services, probation, a women's
12 organization, each of the battered women's shelters serving the
13 county, each of the rape crisis centers serving the county, a legal
14 services program, a homeless program serving women, other
15 nonprofit community-based organizations whose primary focus is
16 to assist the women who are victims of violent crimes, *and* the
17 Native Tribal Councils, ~~and the county Commission on the Status~~
18 ~~of Women.~~